

Message Text

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C O N F I D E N T I A L HAVANA 1261

E.O. 11652: GDS
TAGS: CARR, CASC, CPAS, CVIS, SHUM, CU
SUBJECT: CONSULAR ACCESS TO AMERICAN PRISONERS AND PROSPECTS FOR
REPATRIATION OF DUAL NATIONALS

1. DURING MEETING MAY 12 WITH FIRST VICE-MINISTER OF FOREIGN RELATIONS

RENE ANILLO, I RAISED THE LONG-STANDING PROBLEMS OF CONSULAR ACCESS
TO AMERICAN PRISONERS IN CUBA AND THE REPATRIATION OF DUAL NATIONALS
AND THEIR FAMILIES.

2. WITH RESPECT TO THE PRISONERS, I STATED THAT DESPITE OUR VIENNA
CONVENTION RIGHTS AND REPEATED REQUESTS WE HAVE BEEN ALLOWED TO
VISIT ONLY HALF OF THE AMERICAN PRISONERS IN CUBA SINCE THE SECTION
OPENED LAST SEPTEMBER 1. MOREOVER, WE HAVE SEEN EVEN THOSE PRISONERS
ONLY ONCE ALTHOUGH IT IS U.S. PRACTICE WORLDWIDE TO VISIT PRISONERS
EVERY MONTH. I RECOGNIZED FRANKLY THAT MOST OF THE PRISONERS WE HAVE
NOT SEEN AT ALL ARE DUAL NATIONALS. FINALLY, I REMINDED THE VICE-
MINISTER THAT THE U.S. HOPES VERY MUCH THAT ALL FOUR OF THE REMAINING
U.S. POLITICAL PRISONERS MAY SOON BE FREED. ANILLO MADE NO COMMENT
ON THE LATTER POINT, BUT MADE TWO MAJOR COMMENTS ON THE OTHER
PROBLEMS:

A. HENCEFORTH USINT CONSULAR OFFICERS WILL BE ALLOWED UPON
REQUEST TO VISIT AMERICAN PRISONERS REGULARLY, EVEN MONTHLY, PROVIDED
THEY HAVE NOT BEEN DENIED VISITORS' PRIVILEGES FOR DISCIPLINARY
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REASONS. (THIS IS A REFERENCE TO CLAUDIO RODRIGUEZ MORALES, ONE OF
THE TWO POLITICAL PRISONERS WE HAVE NOT BEEN PERMITTED TO SEE SINCE,
WE HAVE BEEN TOLD, HE REFUSES TO WEAR THE PRESCRIBED PRISON UNIFORM.
NEVERTHELESS, CONGRESSMEN RICHMOND AND NOLAN WERE ALLOWED TO SEE ALL
THE POLITICAL PRISONERS WHEN THEY VISITED CUBA LAST DECEMBER, A
POINT I STRESSED TO ANILLO.)

B. USINT OFFICERS WILL NOT, HOWEVER, BE ALLOWED TO VISIT DUAL

NATIONAL PRISONERS. CUBA DOES NOT RECOGNIZE DUAL CITIZENSHIP; IT REGARDS THESE PRISONERS AS CUBANS AND WILL NOT ALLOW FOREIGN CONSULAR OFFICIALS TO VISIT THEM.

3. WITH RESPECT TO REPATRIATION OF DUAL NATIONALS AND THEIR FAMILIES, I REMINDED THE VICE-MINISTER THAT CONGRESSMEN RICHMOND AND NOLAN RAISED THIS SUBJECT WITH CASTRO DURING THEIR VISIT AND WERE TOLD THAT THE MATTER WOULD BE REVIEWED SYMPATHETICALLY. AT THE SPECIFIC REQUEST OF THE FOREIGN MINISTER, USINT SUBSEQUENTLY SUBMITTED FULL INFORMATION ON ALL THESE FAMILIES OF WHICH WE ARE AWARE (SOME 480 FAMILIES) IN A SERIES OF NOTES FROM MID-DECEMBER TO MID-FEBRUARY. WE HAVE HAD NO SUBSTANTIVE REPLY TO THESE NOTES. ANILLO REPLIED THAT ALL THESE CASES ARE UNDER REVIEW BY THE COMPETENT AUTHORITIES, THAT THEY ARE NUMEROUS AND COMPLEX, AND THAT THE MINISTRY IS NOT YET ABLE TO GIVE US ANY REPLY OR ENCOURAGEMENT. I OFFERED TO PROVIDE ANY FURTHER INFORMATION WE CAN ON THESE CASES THAT MIGHT FACILITATE THEIR CONSIDERATION BY GOC. IN CONCLUSION, THE VICE-MINISTER CALLED MY ATTENTION TO THE FACT THAT SOME FAMILIES (PURELY CUBAN, NOT DUAL NATIONAL TO THE BEST OF OUR KNOWLEDGE) HAVE BEEN PERMITTED TO EMIGRATE IN RESPONSE TO INTEREST EXPRESSED BY U.S. CONGRESSMEN AND OTHER CITIZENS.

4. COMMENT: ANILLO'S PROMISE ON REGULAR CONSULAR ACCESS TO SINGLE-SOURCE PRISONERS IS GOOD NEWS, ALTHOUGH OUR EXPERIENCE SUGGESTS THAT THERE MAY CONTINUE TO BE DELAYS IN PRACTICE DUE TO THE FOOT-DRAGGING AND REDTAPE OF THE PRISON AUTHORITIES OVER WHOM MINREZ HAS PRACTIC-
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ALLY NO CONTROL. IN ADDITION, I EXPECT DELAYS IN SEEING NEWN PRISONERS SINCE THEY ARE TYPICALLY HELD INCOMMUNICADO FOR EXTENDED PERIODS OF INTERROGATION BY CUBAN SECURITY ELEMENTS BEFORE THEY ARE TURNED OVER TO REGULAR IMMIGRATION OR PRISON OFFICIALS. ON CONSULAR ACCESS TO DUAL NATIONAL PRISONERS, THIS IS THE FIRST SPECIFIC ANSWER WE HAVE BEEN GIVEN TO OUR APPEALS; IT IS DISAPPOINTING, ALTHOUGH I PRESUME THAT IT IS A DEFENSIBLE POSITION FOR THE GOC TO TAKE UNDER INTERNATIONAL LAW AND PRACTICE. I WOULD WELCOME THE DEPARTMENT'S ADVICE ON THIS POINT, AND INSTRUCTIONS AS TO WHETHER WE SHOULD CONTINUE

TO PRESS FOR SUCH ACCESS.

5. IT IS INTERESTING AND MILDLY ENCOURAGING THAT THE GOC IS CONTINUING

TO CONSIDER THE QUESTION OF REPATRIATION OF DUAL NATIONAL FAMILIES AND HAS NOT REJECTED OUR REQUEST OUT OF HAND ON THE SAME GROUNDS THAT THESE ARE CUBAN CITIZENS AND NONE OF OUR BUSINESS. OF COURSE, THE GOC CAN ALWAYS -- AND PROBABLY WOULD -- TREAT THESE AS CASES OF CUBAN EMIGRATION RATHER THAN OF AMERICAN REPATRIATION. MY OWN JUDGMENT IS THAT WE NEED NOT HOLD OUR BREATH WAITING FOR ANY EARLY OR LARGE-SCALE AUTHORIZATION FOR THESE FAMILIES TO DEPART. A FEW MAY BE PERMITTED TO GO AS A TOKEN OR WHERE IT SUITS CUBA'S CONVENIENCE FOR

OTHER REASONS, BUT IT IS LIKELY THAT MOST OF THE GROUP WILL HAVE TO
WAIT FOR A MORE PROPITIOUS MOMENT IN U.S.-CUBAN RELATIONS GENERALLY.
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